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## United States District Court, Northern District of Illinois

N/	ame of Assigned Judge		graduate and the second of the second		T	·.	
or Magistrate Judge			B. Moran	Sitting Judge if Other than Assigned Judge			
CASE NUMBER 96		C 1122	DATE	11/19	9/2001		
CASE TITLE			Builders Association etc. Vs. City of Chicago etc.				
[In the following box (a) indicate the party filing the motion, e.g., plaintiff, defendant, 3rd party plaintiff, and (b) state briefly the MOTION:						nd (b) state briefly the nature	
			Memorandum O	pinion and Order			
DO	CKET ENTRY:						
(1)	☐ Filed	☐ Filed motion of [ use listing in "Motion" box above.]					
(2)	☐ Brief	Brief in support of motion due					
(3)	☐ Answ						
(4)	□ Rulin	Ruling/Hearing on set for at					
(5)	□ Status	Status hearing[held/continued to] [set for/re-set for] on set for at					
(6)		·					
(7)							
(8)	☐ [Bend	h/Jury trial] [Hearin	g] held/continued to _	at			
(9)	☐ This o	This case is dismissed [with/without] prejudice and without costs[by/agreement/pursuant to]  □ FRCP4(m) □ General Rule 21 □ FRCP41(a)(1) □ FRCP41(a)(2).					
[Other docket entry] Enter Memorandum Opinion and Order. Plaintiff moved to compel the City to designate deponents, the City objected, and Judge Brown granted the motion. The City appeals, and we affirm -but with some caveats. We recognize that the dates for designation and for depositions must be changed. Defendant shall designate by December 3, 2001, and the depositions shall go forward by January 4, 2002.  [For further detail see order attached to the original minute order.]							
()	No notices required, a		attached to the origin	nar minute order.j		Document	
	No notices required.				number of notices	Number	
	Notices mailed by judge's staff.				NOV 2 5 2EM		
1	Notified counsel by telephone.  Docketing to mail notices.				date docketed		
Mail AO 450 form.		ices.	\$0.7 ************************************		15	721	
	Copy to judge/magistrate judge.		EDEORI	JOCKETIK <b>G</b>	docketing deputy initials	(-)	
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## IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF ILLINOIS EASTERN DIVISION

NOV 2 0 2001

BUILDERS ASSOCIATION OF GREATER CHICAGO,	)	
Plaintiff,	)	No. 96 C 1122
V.	)	Judge Moran Magistrate Judge Brown
CITY OF CHICAGO, a municipal corporation,	į	magistrato Judgo Diowii
Defendant.	) )	

## MEMORANDUM OPINION AND ORDER

This 1996 case was stalled for a considerable period while a parallel Cook County case went forward. That case was tried about a year ago and the ruling affirmed on July 6, 2001. Magistrate Judge Brown has now set a discovery close, as we understand it, for the end of February 2002. Plaintiff has sought Rule 30(b)(6) depositions of individuals designated by the City to testify about intentional discrimination by the City in letting construction contracts and by prime construction contractors on City construction projects. The scope was narrowed, particularly with respect to time, by an October 2, 2001 letter. Plaintiff moved to compel the City to designate deponents, the City objected, and Judge Brown granted the motion. The City appeals, and we affirm - but with some caveats.

Defendant City contends that its objections to other orders need to be ruled upon first.

Those rulings have now been made. The principal thrust of defendant's objections, however, is as follows: Rule 30(b)(6) requires the party to designate a witness to testify "as to matters known or reasonably available to the organization." Thus, the City contends, it would have to prepare the witness with all the matters it might wish to present during trial, and that is impossible to do

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on short notice and imposes an unreasonable burden. Plaintiff should file contention

interrogatories instead. Judge Brown's November 5, 2001 compelling designation, it contends, is

clearly erroneous.

We have reviewed the transcripts of the September 13, 2001, and November 5, 2001,

proceedings before Judge Brown. We think the thrust of her ruling is clear. This is, she notes, a

1996 case approaching the end of discovery. It is time for the City to disclose what evidence of

discrimination it has.

Plaintiff is aware of the City's contentions. Given those contentions, we assume that the

City would list a significant number of persons who might know something about past practices.

But what plaintiff wants to know, as we understand the positions before Judge Brown, is who, at

the present time, has knowledge about past discrimination, specific knowledge that the City is

likely to elicit by testimony at trial. We think the emphasis is less on an obligation by the City to

fill up an empty vessel than on an obligation by the City to identify its witnesses to instances of

intentional discrimination, so that plaintiff can take their depositions. And that is long overdue.

We recognize that the dates for designation and for depositions must be changed.

Defendant shall designate by December 3, 2001, and the depositions shall go forward by January

4, 2002.

or Judge, U.S. District Court

Dated: November / 2001.

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